

STATES DISTRICT COURT AT GREENE COUNTY  
AT GREENVILLE, TENNESSEE

Petitioner, Pro-Se

**Vs.**

Respondent,

Case No. 10226 <sup>103276 -A.M</sup>

### STATEMENT OF THE CASE

This appeal was taken from the Criminal Court for Knox County at Knoxville, Tennessee. The case, a Denial of Motion for Production of Trial Transcripts, and all other related court documents of the Petitioner's original trial and plea agreement, and further a denial of a Motion to Re-Consider. Original Motion was filed on or about January, 15, 2014 and was denied on or about January 31st, 2014 without hearing or notification to the Petitioner. Petitioner filed a Motion to Re-Consider on or about February 10, 2014, also without a hearing.

**THOSE Motions raised the following grounds and issues of fact:**

1. Petitioner was convicted in Knox County on or about September 10, 2013 for the charge(s) of Reckless Homicide and Weapon Possession and was given a sentence of 6 years for the Reckless Homicide and Weapons Possession.
2. Petitioner was convicted by a jury and pursuant to T.C.A. 40-2029 & 40-2044 she filed her Motion into the Criminal Court for the production of said Transcripts and other related

Court Documents.

3. Petitioner has repeatedly requested and petitioned the court for her trial transcripts and documents, further she has written her attorney of record requesting same.
4. Petitioner stated that she should be furnished with said documents to perfect her continued action regarding her cause, and to be denied such will hender her in such appeal or court action.
5. Petitioner has not been afforded a hearing in this matter, nor has she received any reply from the State giving reasons why her Motions should be denied or dismissed.

### **BRIEF**

Petitioner avers and feels that such denial of requested information borders on a denial of access to the courts in violation of the fourteenth Amendment of Due Process and Equal Protection of the Law which is secured to the Petitioner by the United States Constitution.

It has been well established in Law that an Indigent Defendant need not pay for Trial Transcripts or other needed information to perfect an Appeal and to require such is a violation of her Constitutional Rights.

**In Russell v. State ex rel. Ather (1965)**, the court held that, "A Petitioner who is denied by State to have record transcribed amounted to deprivation of Due Process and rendered judgment against defendant void."

**ALSO IN Griffin v. Illinois, 531 U.S. 12, 76 S. Ct 585**, the court held that, "States must provide trial records to inmates unable to buy them.

Petitioner further contends that his action and request are not frivolous and that her transcript is needed to perfect her continued court actions since in fact she is no longer

represented by counsel and the only means for the Petitioner to present her cause in support of her legal claims and to present a rational argument of facts and grounds for which relief should be granted.

The transcript is needed to decide claims charging serious violations of Petitioner's Constitutional rights, including claims of trial misconduct and error constituting due process violations, and claims of ineffective assistance of counsel.

That the transcript is needed to raise all claims which can and should be raised in a post-conviction motion. Should all claims not be raised, the Petitioner stands to be adjudged as having waived her important constitutional rights under the deliberate by-pass doctrine and/or the successive motion rule.

Petitioner is effectively precluded from litigating her valid constitutional claims because she does not have access to critical testimony and evidence in the trial transcripts.

See, Garner v. California, 393 U.S. 367 (1969).

Wherefore, for the reasons stated above, Petitioner request this Honorable Court to enter an order directing that she be furnished, at State's expense, a true and correct copy of her trial transcripts and other Court documents and for such other, further general relief as justice deems proper.

Respectfully Submitted

---

Petitioner, Pro-Se